Serial No: **09/956,916**
Art Unit: **1762**

Remarks

The claims have been amended to overcome the Examiner's formal objections.

The Examiner's indication of allowable subject matter has been noted with appreciation, and claim 13 is believed to reflect the subject matter indicated allowable by the Examiner.

However, as clearly stated in the specification claim 13 represents only the preferred embodiment of the invention, and the applicants believe that they are entitled to broader protection absent any prior art teaching since the courts have made it clear that the applicants are permitted to claim as broadly as permitted by the prior art.

Claim 1 has been amended to be more specific about the steps in the novel process. The inventor teaches for the first time that by operating in what he refers to as a "seven-dimensional" space, it is possible to independently optimize the optical and mechanical properties of the deposited films. Optimization with respect to the optical properties means minimization of absorption bands within the wavelengths of interest and optimization with respect to mechanical properties means minimization of mechanical stress. The specification states clearly on page 33 that this principle could apply to other process conditions.

A patent is only of value if it protects the novel concept. It is of little value if it can be avoided simply by changing one parameter. For example, while the conditions set forth in claim 13 represent the optimum conditions, and while the claim is intended to cover variations in the stated parameters that do not significantly impact on the result, a potential infringer might nevertheless be able to avoid the claim by adjusting one of the parameters and accepting an inferior product while nevertheless benefiting from the applicant's invention.

While it would admittedly require some experiment to identify the selected values in claim 1, such experiment is routine and well within the capability of one skilled in the art in the light of the applicant's teaching. If different gases were used, for example, on the basis of the applicant's teaching one skilled in the art could without difficulty observe the FTIR spectra to identify the values that resulted in minimal absorption and then select a temperature for post deposition that minimizes stress. To the applicant's knowledge, the prior art does not teach these process steps.

It is believed that the application is in condition for allowance. Reconsideration and allowance are earnestly solicited.

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Respectfully submitted,

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)	Docket No. 12110-US

Applicant(s): OUELLET, Luc

Serial No.	Filing Date	Examiner	Group Art Unit
09/956,916	September 21, 2001	MEEKS, Timothy H.	1762

Invention: METHOD OF DEPOSITING AN OPTICAL QUALITY SILICA FILM BY PECVD

I hereby certify that this RESPONSE TO THE OFFICE ACTION MAILED JULY 01, 2003
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